Serial No. 10/020,248

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested. In accordance with the foregoing, the claims are amended. Claims 18 and 19 are withdrawn. Claims 1-20 remain pending for reconsideration, which is respectfully requested.

### I. Election/Restrictions

In response to the Restriction Request mailed October 2, 2006, applicants elected group I, including claims 1-17 with traverse. In accordance with the foregoing, claims 18-19 are withdrawn. Accordingly, Applicants respectfully submit that claims 1-20 remain pending. The Office Action summary indicates that only claims 1-17 remain pending. Appropriate correction of the Office Action summary is respectfully requested.

### II. Claim Objections

Claim 12 is objected to under 37 CFR 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. The claim is dependent upon claim 2, rather than claim 1. Moreover, claim 12 does further limit because what is stored in claim 12 relates to the first user identifier and second product information rather than the first product information. Therefore, what is stored is not the same "user information relating to the user." Accordingly, it is respectfully requested this objection be withdrawn.

Claim 17 is objected for allegedly having informalities including a misplaced portion of text beginning with "As recorded media herein." In accordance with the foregoing, claim 17 is amended taking into consideration the Examiner's comments. Accordingly, withdrawal of the objection to claim 17 is respectfully requested.

### III. Rejection under 35 U.S.C. § 112

Claims 3, 8 and 16 are rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite for failing to point out and distinctly claim the subject matter.

The Examiner, in rejecting claims 3 and 8, asserts "applicant is replacing the user identifier of the parent claims, which makes the claim indefinite." In accordance with the foregoing, claims 3 and 8 are amended taking into consideration the Examiner's comments.

The Examiner, in rejecting claim 16, asserts that "it is unclear as to what the differences are in" [claim 16] "and claim 17." In accordance, with the foregoing, claim 16 is amended taking into consideration the Examiner's comments.

Serial No. 10/020,248

Accordingly, withdrawal of the rejection of claims 3, 8, and 16 is respectfully requested.

### IV. Rejection under 35 U.S.C. § 101

Claim 16 is rejected under 35 U.S.C. § 101, allegedly being directed to non-statutory subject matter. In accordance with the foregoing, claim 16 is amended taking into consideration the Examiner's comments. Accordingly, withdrawal of the rejection of claim 16 is respectfully requested.

### V. Rejection under 35 U.S.C. § 102

Claims 1, 2, 10-13, and 15-17 are rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over U.S. Pub No. 2003/0220481 to Maritzen. The rejection of claims 1, 2, and 15-17 is respectfully traversed because Maritzen does not disclose, either expressly or inherently, that the "first product" and the "second product" differ, and further, Maritzen fails to disclose "reading out" of a similar product to the first product and then "providing the second product information" to the user. In other words, Maritzen fails to disclose, either expressly or inherently, the claimed

> reading out, from the stored second product information, second product information that includes the product attribute related to said first product and that includes a product name different from the product name of said first product;" and

> providing the read out second product information on said second product to the user identified with the first user identifier.

In other words, amended independent claim 1 includes reading out of the similar product information from a second product group which is related to a first product group chosen by the user and then providing the user with second products from that second product group. Support for the claim amendments can be found, for example, in the originally filed specification at page 19, lines 1-16.

The Office Action, at page 4, line 15 to page 5, line 4, asserts

> If the merchant is unable to fulfill the product order, then a second merchant (and subsequently, the new referral represents a second product from different inventory) is referred to the user, and the second merchant is informed of the user's interest.

However, Maritzen, at para. 0256, only discusses one provider acting as a broker for another provider if the product provider does not have the same product that a user has requested. When a product provider does not have a requested product, the product provider

Serial No. 10/020,248

serves as a broker (mediator) between another product provider and a user, and another product provider performs a transaction with the user access device via TPCH (transaction processing clearing house) as a transaction device. This means that a product requested of a product provider A is provided by another product provider B, therefore the product provider A and the product provider B provide the same product. Thus, even if we assume that a product A requested to the product provider A corresponds to the "first product" of the present invention, a product B provided by the product provider B is not the "second product" of the present invention. Again, it is because the product A and the product B are the same product in Maritzen.

Therefore, Maritzen does not disclose, either expressly or inherently, the claimed

> reading out, from the stored second product information, **second product information that includes the product attribute related to said first product and that includes a product name different from the product name of said first product**; and

> providing the read out second product information on said second product to the user identified with the first user identifier.

which is a way to read through interrelated products stored in the database in a second product group and then suggest similar but different interrelated products to the user.

Accordingly, Applicants respectfully submit that claim 1 patentably distinguishes over the cited reference.

Independent claim 15 is related to a marketing device, including:

> means for storing product information including first product information that includes a product name and a product attribute relating to each product included in the first product group, and second product information that includes a product name and a product attribute relating to each product included in the second product group;

> means for accepting selection of a first product in the first product group in which a user takes an interest;

> means for assigning a correspondence between and storing the first product information relating to the selected first product, and a first user identifier identifying the user if the user has selected any product in the first product group;

> means for reading out from the stored second product information, second product information that includes the product attribute related to said first product and that includes a product name different from the product name of said first product and

> means for providing the read out second product information to the user identified with the first user identifier.

Accordingly, Applicants respectfully submit claim 15 patentably distinguishes over the cited prior art.

Independent claim 16 is related to an apparatus, including

> storage storing product groups including a first product group that a first provider provides and a second product group that a second provider provides; and :
>
> a controller controlling the apparatus according to a process comprising
>
> storing product information including first product information that includes a product name and a product attribute relating to each product included in the first product group, and second product information that includes a product name and a product attribute relating to each product included in the second product group,
>
> accepting selection of a first product in the first product group in which a user takes an interest,
>
> assigning a correspondence between and storing the first product information relating to the selected first product and a first user identifier identifying the user if the user has selected any product in the first product group,
>
> reading out, from the stored second product information, second product information that includes the product attribute related to said first product and that includes a product name different from the product name of said first product, and
>
> providing the read out second product information to the user identified with the first user identifier.

Accordingly, Applicants respectfully submit claim 16 patentably distinguishes over the cited prior art.

Independent claim 17 is related to a computer-readable recording medium on which is recorded a marketing program, which causes a computer to perform

> storing product information including first product information that includes a product name and a product attribute relating to each product included in the first product group, and second product information that includes a product name and a product attribute relating to each  product included in the second product group;
>
> accepting selection of a first product in the first product group in which a user takes an interest;
>
> assigning a correspondence between and storing the first product information relating to said first product, and a first user identifier by which the first provider identifies the user if the user has selected any product in the first product group;
>
> reading out from the stored second product information, second

product information that includes the product attribute related to said first product and that includes a product name different from the product name of said first product; and

providing the read out second product information to the user identified with the first user identifier.

Accordingly, Applicants respectfully submit claim 17 patentably distinguishes over the cited prior art.

Dependent claims 2, 10-13 recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims. Withdrawal of the rejection of the pending claims, and allowance of pending claims is respectfully requested.

## VI. Rejection under 35 U.S.C. §103

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Maritzen (U.S. Pub No. 2003/0220841). This rejection is respectfully traversed.

In a non-limiting example, the present application teaches a marketing method that contains two or more product groups that are similar, but not identical. Group 1 may be compact discs produced by particular artists provided by provider 1, while Group 2 may be concert tickets for that particular artist provided by provider 2. Page 5 of the outstanding Office Action asserts that Maritzen teaches product information being available on the system and it therefore being obvious to one having ordinary skill in the art to allow merchants the ability to alter information in case product information changes. However, Maritzen refers only to identical products and therefore only an identical product linked to another store with that identical product could be modified in the system. Maritzen does not discuss or teach a way to update product information in provider 1 that would be similar but different to the product in group 2, such as a newly released compact disc by the particular artist differing from the disc originally in Group 1. Accordingly, it is respectfully submitted amended claim 9 patentably distinguishes over Maritzen. Withdrawal of the rejection of the pending claim and allowance of the pending claim is respectfully requested.

Claims 3-8 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maritzen (U.S. Pub No. 2003/0220841) in view of Herz (U.S. Patent No. 5,754,938). This rejection is respectfully traversed.

In a non-limiting example, as set forth in claims 3-8, a marketing method is taught that provides a user with product information about a similar but different product from another provider that also simultaneously keeps users' identities secret from product providers.

Serial No. 10/020,248

Regarding claim 14, page 6 of the outstanding office action cites Maritzen, at paragraph 0034, sentence 1, and paragraph 48, sentence 4, which teaches the user's identity as being kept secret from merchants through the use of an "identifier." The office action at page 6 also cites the Herz abstract which teaches the ability of a user to vary his information per merchant.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness can not be based upon Maritzen and Herz, because Maritzen, Herz, and any combination thereof fail to disclose and suggest the claimed

> reading out, from the stored second product information, **second product information that includes the product attribute related to said first product and that includes a product name different from the product name of said first product;** and

> providing the read out second product information on said second product to the user identified with the first user identifier.

Accordingly, Applicants respectfully submit that claim 14 patentably distinguishes over the cited references. Dependent claims 3-8 recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims. Withdrawal of the rejection of the pending claim and allowance of the pending claim is respectfully requested.

### VII. New Claim

New claim 20 is related to a marketing method, including:

> storing product information including a product name and a product attribute relating to each product included in the first product group, the second product group, and the third product group;

> accepting selection of a product in which a user takes an interest;

> assigning a correspondence between and storing the product information relating to said product, and a user identifier by which the provider identifies the user if the user purchases the product;

> storing at least one of a purchase date and a quantity purchased;

> utilizing the purchase date and the quantity purchased of the product purchased to determine and store a preference of the user with respect to products in the first product group, the second product group, and the third product group;

> reading out product information from the first, second, and third product groups, based on the preference and the stored

Serial No. 10/020,248

product information, the product information that includes the product attribute related to said product and that includes a product name that is different from the product name of said product; and

    providing the read out product information to the user identified with the user identifier.

    Accordingly, Applicants respectfully submit claim 20 patentably distinguishes over the cited prior art.

## VIII. Conclusion

    There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

    Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

    If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 29, 2007       By: _____

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